



“Marshall, Texas is a much more convenient venue for me to attend trial than San Francisco, CA.” (Dkt. 27-1, ¶ 3.) Now, via deposition, we learn he does not even know where Marshall is located. This testimony also directly contradicts the statement in Brite Smart’s Opposition that “Marshall, Texas is a far more convenient venue for Mr. Zuili than NDCA.” (Dkt. 27, 3.) Also, Brite Smart touted the existence of its “principal office” in Tyler, Texas as supporting a connection with the Eastern District in its transfer Opposition. (*Id.*, 2.) But Mr. Zuili, Brite Smart’s CEO and owner, testified he had never been to the office in Tyler because “there is no reason for me to be there.” (Ex. A, 57:20 - 22.)

Accordingly, Google respectfully requests that the Court grant Google’s Motion for Leave to Supplement the Record to add the portions of the Zuili deposition in Exhibit A.<sup>1</sup>

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<sup>1</sup> If the Court believes that consideration of this additional evidence would delay resolution of Google’s Motion to Transfer, Google requests the Court deny Google’s motion.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on May 7, 2015.

/s/ Miles Freeman

Miles Freeman

**CERTIFICATE OF CONFERENCE**

I hereby certify that the parties have met and conferred telephonically pursuant to Local Rule CV-7(h) on May 7, 2015, and counsel for Brite Smart opposed Google's Motion For Leave To Supplement The Record With Further Evidence In Support Of Google Inc.'s Motion To Transfer Venue To Northern District Of California. Participants in the conference included Robert Katz and Stafford Davis, counsel for Brite Smart, and David A. Perlson, Lance Yang and Michael Jones on behalf of Google. No agreement could be reached.

/s/ David A. Perlson

David A. Perlson